

SEYFARTH SHAW LLP
Robert B. Milligan (SBN 217348)
rmilligan@seyfarth.com
D. Joshua Salinas (SBN 282065)
jsalinas@seyfarth.com
2029 Century Park East, Suite 3500
Los Angeles, California 90067-3021
Telephone: (310) 277-7200
Facsimile: (310) 201-5219

SEYFARTH SHAW LLP
Michael D. Wexler (*pro hac vice* app. to be filed)
Andrew C. Boutros (*pro hac vice* app. to be filed)
233 South Wacker Drive, Suite 8000
Chicago, Illinois 60606
Telephone: (312) 460-5000
Facsimile: (312) 460-7000

Attorneys for Defendant
FUTUREWEI TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YIREN HUANG, an individual, and CNEX
Labs, Inc., Delaware corporation,

Plaintiff,

v.

FUTUREWEI TECHNOLOGIES, INC., a
Texas corporation; and DOES 1-10, inclusive,

Defendant.

Case No. 5:18-cv-534

**DECLARATION OF PAUL C. HASHIM
IN SUPPORT OF DEFENDANT'S
NOTICE OF REMOVAL UNDER 28
U.S.C. §§ 1332(a), 1367, 1441(a) AND
1446**

(Santa Clara Superior Court Case No.
17CV321153)

Complaint Filed: Dec. 28, 2017

DECLARATION OF PAUL C. HASHIM

I, Paul C. Hashim, declare as follows:

1. I am Chief IP Counsel of Futurewei Technologies, Inc. ("Futurewei"). I have worked for Futurewei for nearly nine years. I have been Chief IP Counsel for Futurewei for the past five years. The following facts are true of my own personal knowledge, as to which I could competently testify.

2. I submit this declaration in support of Futurewei's Notice of Removal.

3. My responsibilities as Chief IP Counsel include oversight of Futurewei's various intellectual property (IP) functions, such as oversight of in-house counsel in connection with support of various Futurewei client research and development business units, evaluation of external service providers, procedural compliance of internal and external IP law support functions, personnel training, recruiting of attorneys, agents and paralegals, employee performance evaluation and compensation, and accountability for assigned activities over which I have responsibility. I also assist with the development and administration of Futurewei policies and guidelines, including agreements, procedures, and policies associated with protection of Futurewei's trade secret and confidential information. I have knowledge of, and am familiar with, Futurewei's corporate structure and the location of its principal place of business and corporate headquarters.

4. Futurewei is incorporated in the State of Texas, with its principal place of business at 5340 Legacy Drive, Suite 175, Plano, Texas, 75024. In particular, the principal place of business for the ownership and management of the intellectual property assets at issue in this dispute is in Plano, Texas. Futurewei is authorized to do business in California.

5. Futurewei is a subsidiary of Huawei Technologies, Co., Ltd. ("Huawei"), who is a Chinese corporation with its principal place of business at Huawei Industrial Base, Bantian, Longgang District, Shenzhen, Guangdong, P.R. China 518129.

6. Huawei is a multinational networking and telecommunications equipment and services company that develops, manufactures, and sells a diverse range of products that promote interconnectivity, including cellular mobile infrastructure equipment (e.g. base stations), routers,

switches, security, and data and cloud storage devices. As a subsidiary of Huawei, Futurewei conducts research into technologies that can be developed by Huawei into next generation products for the United States and global marketplace.

7. I understand the Complaint in the present action alleges that “Futurewei (R&D) USA Headquarters” are located at 2220 Central Expressway, Santa Clara, California 95050. This is not correct. “Futurewei (R&D) USA Headquarters” is not a legal entity of Futurewei, and has no organizational relevance within Futurewei. Futurewei’s principal place of business is located in Plano, Texas.

8. As a Principal Engineer and a leading architect for Futurewei’s Solid State Drive storage group, Yiren Huang (“Huang”) directly participated in and assisted in developing Futurewei and Huawei’s Advanced Computing Network (“ACN”), Solid State Drive (“SSD”), and Non-Volatile Memory Express (“NVMe”) related technology, and in developing information necessary for Futurewei to conduct its business in a competitive market place.

9. During his employment with Futurewei, Huang was entrusted with and maintained regular and ongoing access to Futurewei’s and Huawei’s confidential, proprietary, and trade secret information, which included, but was not limited to, the research and development of their ACN, SSD, and NVMe related technology. Futurewei values this information far in excess of \$75,000.

10. Futurewei has spent sums far exceeding \$75,000 and many years developing this confidential, proprietary, and trade secret information that is so vital to its success.

11. Futurewei has identified the following patent applications to date that were filed by Huang after leaving Futurewei (collectively, the “Patent Applications”).

Publication/Patent Number	Priority Date	File Date	Publication Date	Application Number	Assignee
CN105556930	6/26/2013	6/19/2014	5/4/2016	CN2014842920	CNEX Labs, Inc.
TW201524170	6/26/2013	6/26/2014	6/16/2015	TW20140122146	CNEX Labs, Inc.
TWI571087	6/26/2013	6/26/2014	2/11/2017	TW20140122146	CNEX Labs, Inc.

Publication/Patent Number	Priority Date	File Date	Publication Date	Application Number	Assignee
US20150006663	6/26/2013	2/26/2014	1/1/2015	US14/191335	CNEX Labs, Inc.
US20150378605	6/26/2013	9/2/2015	12/31/2015	US14/843884	CNEX Labs, Inc.
US20150378606	6/26/2013	9/2/2015	12/31/2015	US14/843891	CNEX Labs, Inc.
US20150378640	6/26/2013	9/2/2015	12/31/2015	US14/843892	CNEX Labs, Inc.
US20160085718	6/26/2013	11/30/2015	3/24/2016	US14/954691	CNEX Labs, Inc.
US20160357698	6/26/2013	8/19/2016	12/8/2016	US15/242299	CNEX Labs, Inc.
US9430412	6/26/2013	2/26/2014	8/30/2016	US14/191335	CNEX Labs, Inc.
US9785355	6/26/2013	9/2/2015	10/10/2017	US14/843884	CNEX Labs, Inc.
US9785356	6/26/2013	9/2/2015	10/10/2017	US14/843891	CNEX Labs, Inc.
WO2014209764	6/26/2013	6/19/2014	12/31/2014	WO2014US43279	CNEX Labs, Inc.
US20150019797	7/14/2013	6/25/2014	1/15/2015	US14/315172	CNEX Labs, Inc.
US20150019798	7/15/2013	7/11/2014	1/15/2015	US14/329578	CNEX Labs, Inc.
US9785545	7/15/2013	7/11/2014	10/10/2017	US14/329578	CNEX Labs, Inc.
US20150032956	7/29/2013	7/25/2014	1/29/2015	US14/341260	CNEX Labs, Inc.
US20150036432	8/5/2013	8/4/2014	2/5/2015	US14/451176	CNEX Labs, Inc.
US9275740	8/5/2013	8/4/2014	3/1/2016	US14/451176	CNEX Labs, Inc.
US20150058539	8/22/2013	8/22/2014	2/26/2015	US14/466858	CNEX Labs, Inc.
US9292434	8/22/2013	8/22/2014	3/22/2016	US14/466858	CNEX Labs, Inc.
US20150248331	12/23/2013	7/11/2014	9/3/2015	US14/328770	CNEX Labs, Inc.
CN106104491	3/1/2014	2/26/2015	11/9/2016	CN2015811315	CNEX Labs, Inc.
TW201602775	3/1/2014	2/26/2015	1/16/2016	TW20150106251	CNEX Labs, Inc.
TWI570549	3/1/2014	2/26/2015	2/11/2017	TW20150106251	CNEX Labs, Inc.
WO2015134262	3/1/2014	2/26/2015	9/11/2015	WO2015US17698	CNEX Labs, Inc.

12. Futurewei believes each of the Patent Applications constitute a Subject Idea or Invention under the terms of Huang's Employment Agreement with Futurewei which Huang

created using Futurewei's confidential, proprietary, and trade secret information. Futurewei values these Subject Ideas or Inventions, the patents and patent applications, all of which are based on Futurewei's confidential, proprietary, and trade secret information, far in excess of \$75,000.

13. Futurewei's trade secret and confidential information is of great value to Futurewei and Huawei, and could give any competitor of Futurewei, including Huang's current employer—CNEX Labs, Inc.—an unfair competitive advantage. Futurewei and Huawei routinely protect innovations developed by their respective employees by way of patents, where appropriate. In this regard, Futurewei in the United States – and Huawei globally – have filed seventeen patent applications arising from three provisional patent applications originated by Mr. Huang during the course of his employment at Futurewei. Four patents have issued to date from these applications. Details of these patent filings are listed below:

U.S. Priority Date	U.S. Provisional Serial No.	Type	Title	Publication No.	Patent No.
Nov. 17, 2011	61/561,160	U.S. Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	N/A	N/A
		U.S. Non-Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	20130132643	9,767,058
		U.S. Non-Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	20130135816	Pending
		U.S. Non-Provisional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	20170371825	Pending
		PCT	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	WO2013071892	Pending
		China National	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	103907088 A	Pending
		European Regional	Method and Apparatus for Scalable Low Latency Solid State Drive Interface	EP2780791	Pending

Aug. 12, 2011	61/523,251	U.S. Provisional	Method and Apparatus for Flexible RAID in SSD	N/A	N/A
		U.S. Non-Provisional	Method and Apparatus for Flexible RAID in SSD	20130042053	9,424,128
		U.S. Non-Provisional	Method and Apparatus for Flexible RAID in SSD	20160320991	Pending
		PCT	Method and Apparatus for Flexible RAID in SSD	WO2013023564	Pending
		China National	Method and Apparatus for Flexible RAID in SSD	103718162 A	2012 80038141.1
		European Regional	Method and Apparatus for Flexible RAID in SSD	EP2732373	Pending
July 20, 2011	61/509,930	U.S. Provisional	Method and Apparatus for SSD Storage Access	N/A	N/A
		U.S. Non-Provisional	Method and Apparatus for SSD Storage Access	20130024599	Pending
		PCT	Method and Apparatus for SSD Storage Access	WO2013012901	Pending
		China National	Method and Apparatus for SSD Storage Access	103703450 A	2012 80035706.0

Each of the foregoing U.S. patent applications was originated and prosecuted by the law firm of Slater and Matsil, located in Dallas, Texas, based upon numerous telephonic and email exchanges between Mr. Huang and Slater and Matsil personnel in Texas.

14. To date, Futurewei has obtained, but has not been served with process of, Plaintiffs' Complaint in the above-referenced matter. A true and correct copy of the Complaint and all other process, pleadings, and orders are collectively attached to Futurewei's Notice of Removal as Exhibit A.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and was executed this 24th day of January 2018, at Plano, Texas.

3
4
5 

Paul C. Hashim